

The Conflict Between the Government of Russia and the Government of Ukraine

February 2022-January 2023

1. Introduction to conflict

To understand the **background** to the full-scale interstate war that started on 24 February 2022 with Russia's invasion of Ukraine, one needs to consider that this previously key republic of the Soviet Union is viewed by the Russian leadership as vital to its interests and security (Mearsheimer, 2022) and indeed to the continued existence of its 'Euroasian empire' (Lakomy, 2016: 282).

The attempts of successive Ukrainian governments to achieve actual political and economic independence from Russia following the formal declaration of independence of 1991, not least by forging closer links to the EU and to NATO, have thus led to Russian retaliation. The following can be mentioned as key **early warning signals** of the 2022 war:

- a) the annexation of Crimea by Russia in 2014 immediately after the collapse of the EU-negotiated compromise with the Euromaidan protesters and the establishment of a vehemently anti-Russian, pro-Western Ukrainian regime (Lakomy, 2016: 285);
- b) the very significant military, financial and propagandistic support of the Donbas separatists by Russia, which culminated with the Russian president's recognition of Donetsk and Luhansk as 'independent republics' on 21 February 2022;
- c) the massing of Russian troops on the Ukrainian border, the joint China-Russia military exercises as a response to the NATO-Ukraine ones and finally, the collapse of the January 2022 negotiations in which NATO refused to rule out further extension or offer any meaningful concessions to Russia (NATO, 2022).

It must also be acknowledged that the successive Ukrainian governments' striving to rid the country of Russian influence has included such counter-productive strategies as the legally enforced glorification of the Ukrainian nationalist OUN and UPA groups as 'fighters for independence' despite their involvement in Nazi-led genocide (Harris, 2020: 608; Verkhovna Rada, 2015) and the adoption of a language law (Verkhovna Rada, 2019) that has been deemed by the Venice Commission (2019) to infringe upon the freedom of speech and the freedom of assembly of the 30% minority of Russian native speakers within Ukraine (according to the latest census of 2001, qtd. in Constantin, 2022). Such drastic measures deepened internal divides that were further exacerbated by the Donbas conflict which resulted in over 14 000 fatalities, including over 3400 civilians (UN Human Rights Monitoring Mission in Ukraine, 2022 a) and the *de facto* separation and alienation of the Russian-controlled regions from the rest of Ukraine (Matveeva, 2022: 424 ff). The Minsk agreements were repeatedly breached by both sides, leading to further deterioration of

interethnic relationships and of the Russia-Ukraine relationship, which also contributed to Russia's decision to go to war (Matveeva, 2022: 432).

To sum up, the **current context** is one of extremely violent confrontation which has already resulted in hundreds of thousands of casualties and millions of refugees (BBC, 2022). Albeit it only directly involves the armed forces of Ukraine and Russia, the conflict has much broader implications for global security since it has led to strengthened of collaboration between China, Russia and Iran on the one hand and to NATO consolidation on the other, with historically neutral Sweden and Finland applying for NATO membership. Russia has stated that it considers the US and NATO to be directly involved in the war (Reuters, 2022) and this perception increases the risk of further escalation.

2) Parties and their Powers

The **primary parties** consist of the nominally federative, multiparty republic of Russia and of the unitary multiparty republic of Ukraine. In practice, Russia is divided into eight 'federal districts' controlled by Putin's representatives, and the few political parties that are still allowed a voice in the completely Kremlin-controlled media and in the Duma do not represent an authentic opposition; the possibilities of expressing dissent or criticism of the regime are extremely limited and all power resides with the former KGB officer and military commander Putin and his very small circle of acolytes of similar age and ideology (Landguiden, 'Ryssland' entry, 2022). Ukraine is deemed 'partly free', but the justice system is profoundly corrupt and the media is mostly controlled by oligarchs (Freedom House, 2022). Political power resides with president Zelenskyy and his *Servant of the People* party, registered on the very date of the presidential election: both won landslide victories, which should have enabled them to enact much-needed reforms and to work towards fulfilling the key promise of peace in Donbas, yet the lack of a substantial agenda and Zelenskyy's tendency to appoint his own close associates to key positions and to increase presidential power at the expense of the other institutions impeded democratic progress (Razumkov Centre, 2020). Zelenskyy is a native Russian speaker who has made a highly successful career as an actor and media producer for the Russophone audience, leading to substantial undeclared wealth (Loginova, 2021). A particularly interesting aspect is that the president he plays in the *Servant of the People* series gives his inaugural speech in Russian and that throughout the series, 'Ukrainian is depicted as a language of corruption and deception and Russian as a language of inclusion and true social feelings' (Kaminskij: 160), which indicates Zelenskyy's initial willingness and ability to mock and challenge ethnic nationalism. It is also worth remembering that he came to power, admittedly with

the support of a highly controversial oligarch (Maheshwari, 2022) on a platform promising peace and reconciliation. Although he somewhat surprisingly switched to a more aggressive nationalist agenda, possibly to boost his falling ratings, as suggested by Matveeva (2022: 423), his previous work as well as his background suggest that he could play a role in future reconciliation and building of a modern, civic, multi-ethnic Ukrainian identity.

The most important **secondary parties** are the US, NATO and the EU, who have provided extensive military support to Ukraine in addition to political and humanitarian support and who have repeatedly stated that it is up to Ukraine to choose the time and terms under which it will negotiate peace, thereby contributing to the escalation of the conflict. While Russia does not have explicit support for the invasion from any major players, it has nevertheless received substantial financial and political backing from China, with whom it has signed a treaty of military cooperation in 2021 as well as a joint statement criticising NATO expansion in February 2022 (EPRS, 2022). Russia has also strengthened its commercial and diplomatic ties with Iran and is alleged to have received military assistance and weapons from Iran although neither party has admitted to this (Rome, 2022). Meanwhile, the CSTO alliance, which Russia established as a counterweight to NATO, is arguably approaching dissolution as a result of the invasion since the only member that supports Russia is Belarus, the dictatorship led by Lukashenko, by making its territory available as a base for the invasion of Ukraine. A number of countries from the Global South have maintained a position of neutrality or mild condemnation of the invasion combined with full economic cooperation, which may be enough to ensure Russia's economic survival (Pardo de Santayana, 2022).

The evolution of these relationships and of the war itself ultimately depends on the ability of Russia and Ukraine to leverage their **power resources**. The fact that Russia controls a great deal of the global energy resources means that it can continue to rely on extensive funding for its war, even if most of this will probably be provided by countries like China and India rather than by EU countries who have introduced successive restrictions, albeit not yet in relation to enriched uranium, which is needed to run the European nuclear plants (Meredith, 2022). In terms of military capabilities, while Russia may be struggling to acquire the equipment needed to continue its offensive (ISW, 2022 a), it disposes of the second-largest nuclear arsenal, which it has repeatedly threatened to use, thereby deterring direct military intervention by NATO on behalf of Ukraine.

Russia's military capacity is far greater than Ukraine's, with an estimated total number of active personnel of around 900 000 versus Ukraine's around 200 000 (Europa World, 2022). This has enabled Putin to declare only partial mobilisation, thereby lowering the risk of domestic unrest, whereas Zelenskyy declared martial law from the beginning of the invasion. It is nevertheless reasonable to assume that the morale of the Russian troops is far lower, an inference supported by recent reports (ISW, 2022 b).

The Ukrainian economic resources are far more limited than Russia's and the greater part of its non-renewable energy resources is in the territories partly or wholly controlled by Russia (coal in Donbas and oil and gas in Crimea). Nevertheless, Ukraine has far greater diplomatic and moral capital, as demonstrated by the suspension of Russia from the UN Human Rights Council and by the UN General Assembly resolution on Russian war reparations to Ukraine; it has leveraged this capital to ensure vital foreign support for the continued defense of its territory. This means that **power relations** are not quite as asymmetric as might have been expected in light of Russia's military and economic dominance.

Russia is channeling its diplomatic efforts towards preventing the direct involvement of NATO in the war and preserving the neutrality of non-aligned countries, thereby ensuring that the condemnation of its actions at UN level is far from unanimous and that the economic impact of US and EU sanctions is limited. Following the failure of its blitzkrieg operation, it has arguably switched to a war of attrition.

3) Incompatibility

The **aspirations** of the Ukrainian government include: the restoration of its territorial integrity; the implementation of a Special Tribunal and of an 'international compensation mechanism for damages caused by the Russian war', to be funded by Russian assets, and the signing of the Kyiv Security Compact (Zelenskyy, 2022 a), a binding agreement by the US and Western European countries to provide very substantial, long-term funding and support of the Ukrainian military to enable Ukrainian self-defense (Rasmussen & Yermak, 2022). Its **underlying interests** are to attain economic prosperity and political stability, to achieve national cohesion and reconciliation and to become part of the EU.

The Russian government's aspirations include: the recognition of Crimea and of the four regions of Donetsk, Lugansk, Zaporozhye and Kherson as Russian territory (TASS, 2022); the change of the Ukrainian government, which they accuse of 'Nazism' and of perpetrating 'genocide' against the Russian minority; binding guarantees that Ukraine will never join NATO and finally, 'rolling back the block's military capability and infrastructure in Europe to where they were in 1997' (Putin, 2022). Its underlying interests are to prevent the diminishing of its international political and economic influence, to ensure domestic stability and to fully reestablish its commercial and political relations with the West.

There is **incompatibility** over territory, more specifically over Crimea, which the Russian president has repeatedly described as Khrushchev's unjustified gift to Ukraine (2021 & 2022) but also over regions that Russia conquered after 24 February 2022 and which it only partly controls (Bengali, 2022).

Yet from Russia's perspective, the main incompatibility is over government: already at the 2008 Bucharest summit, Putin marked his very strong opposition to Ukraine's joining NATO and stated his intention of annexing Crimea and the Eastern regions in retaliation (Mearsheimer, 2022). Russia's constant interference in Ukrainian politics from 1991 onwards shows that Ukrainian territorial integrity, guaranteed by Russia, the US and the UK under the terms of the 1994 Budapest Memorandum, can only be tolerated if the Ukrainian government is a Russia-friendly one or at a minimum one that maintains neutrality in relation to NATO.

The **offensive position** is clearly that of Russia, which has reneged on its commitments to Ukraine and has used military force to annex parts of the Ukrainian state and to attempt to replace the current government with a Russia-friendly one. The **defensive position** belongs to Ukraine, which aims to restore its territorial integrity and to maintain control of the country.

4) Dynamics

Apart from a brief de-escalation opportunity during the earliest stage, at the Istanbul peace talks in March in which Ukraine proposed significant concessions in the form of permanent neutrality and a 15-year postponement on the status of Crimea as well as a negotiated solution for the Donbas region, the conflict has been in a state of almost continuous **escalation**, as proved by the absence of subsequent peace negotiations and a maximisation of aspirations by both parties. **Structural changes** at group level occurred in Ukraine with the introduction of martial law and the suspension of 11 political parties for alleged links to Russia (Sauer, 2022). Structural changes also occurred at

group level in Russia, with the introduction of the 4 March laws that made war reporting and anti-war protests punishable by a prison sentence of up to 15 years (Human Rights Watch, 2022) and the *de facto* suspension of the right of conscientious objectors not to participate in the war. An additional structural change within the Russian military forces is the growing importance of the Wagner mercenary group, not officially acknowledged by Russia and largely recruited from its prisons, leading to less accountability and an increasingly brutal war. The fact that Prigozhin has recently announced himself as the founder of this group, with which it had previously and repeatedly denied all links, suggests that additional structural changes may occur in Russian politics.

The effect of all this has been to silence the groups and individuals more open to negotiation and the pursuit of legal/diplomatic solutions and to increase aggression and **polarisation** between the two primary parties.

Important **gender aspects** connected to the dominance of authoritarian leadership are

a) the diminished influence of women: albeit still visible in national politics and international relations in representational roles and active in humanitarian efforts, they are marginalised or excluded from decision-making at the political level (UN Women and CARE International, 2022: 46)

b) the enforced, gender-based conscription in both Russia and Ukraine regardless of individual beliefs - an instance of dehumanisation applied by one's own party and of gender discrimination as well as a breach of human rights in the interpretation of the UN Human Rights Committee (1993). Belligerent masculinity was the norm in Ukraine even prior to the war, since only members of certain religious groups were allowed to be conscientious objectors and even these few exceptions have been suspended under martial law (European Bureau for Conscientious Objection, 2022 a). By contrast, the Russian constitution guarantees the rights of conscientious objectors and the Russian government's implementation of partial mobilisation constitutes a significant and illegal norm change (Arnold, 2022).

The dominance of military leadership dictates the current **behaviour**, which is focused on gaining or (in the case of Ukraine) regaining territory by means of extensive, high-casualty military campaigns but also on maximising the support and, in Russia's case, on maintaining the neutrality of important secondary parties through diplomatic means and through the (dis)information war.

In this respect, Russia's **violence against civilians** as documented by the report of the UN Independent International Commission of Inquiry on Ukraine (2022) poses a significant challenge since it is too extensive to be regarded as the isolated excesses of e.g. Wagner Group leaders: it includes indiscriminate attacks with cluster munitions and guided rockets, over 700 attacks on health centres, torture, sexual violence and summary executions of civilians and can thus only be viewed as a deliberate strategy of demoralising the Ukrainian population and discouraging civilian resistance to the occupation.

On the other hand, Ukraine has also been accused of war crimes, namely of setting up military bases in highly populated civilian areas, in at least one instance according to the above quoted report (point 55) and in numerous instances, including in schools and hospitals, according to Amnesty International (2022). The use of this strategy, which would work both to camouflage military forces and to increase condemnation of Russia in the event of civilian casualties, has nevertheless been vehemently denied by the Ukrainian government.

The latest peace proposal by Zelenskyy (qtd. above) and Putin's insistence on the formal recognition of the territories annexed by Russia since February 24 as a prerequisite for peace talks suggest **entrapment** as both parties have become unwilling to back down or negotiate due to the high and constantly increasing costs of the war.

Finally, it is very difficult to assess **attitudes** in both countries due to all-encompassing censorship in Russia and to war-related censorship in Ukraine. Kremlin propaganda has relentlessly insisted on the idea of Ukrainians as brothers and as the victims of the country's takeover by a Nazi elite, a strategy that backfired once the Russian army was confronted with unexpectedly strong and widespread Ukrainian resistance, leading to the collapse of the official narrative and to the rapid lowering of troop morale. The Ukrainian government has combined the insistence on banning Russian culture on the global level with appeals to Russian citizens to oust 'the one person' responsible for the war (Zelensky, 2022 b). Yet the violence of the conflict and the documented breaches of the Geneva convention in relation to prisoners of war by both sides (UN Human Rights Monitoring Mission in Ukraine, 2022) have undoubtedly led to the deterioration of Russian-Ukrainian relationships at the level of the general population.

The **psychological processes** as reflected in the official narratives appear to be dominated by blame games, which in Russia's case concentrate on the Ukrainian leadership, but also on the US and NATO, who are accused of wanting to 'degrade or even destroy our country'. The recent setbacks

on the battlefield have increased Russian anger and the keenness to achieve victory regardless of human and reputational costs, as evidenced by the indiscriminate bombing of Ukrainian infrastructure. On the Ukrainian side, anger at the scale of Russian atrocities has led to the collapse of peace negotiations and to maximalist demands (International Crisis Group, 2022).

Among **special factors**, the most salient one is the increasing influence of the military industry lobby on EU politics. The decision by the EU to provide arms to Ukraine by means of the newly established European Peace Facility already on 27 February 2022 (Brzozowski, 2022) contributed to the immediate escalation of the conflict and blocked the pursuit of diplomatic solutions which could have been effective during the early stage of the conflict.

5) Solution proposals

5.1. *Getting to the table*

Both parties have **valid spokespersons** in Putin and Zelenskyy as unchallenged heads of state but the current aspirations indicate that they are at present far from having reached the stage of a **mutually hurting stalemate**. The process can be accelerated by supporting deserters and conscientious objectors on both sides of the conflict, including military personnel: the numbers of those who fled to avoid conscription are already significant and it is very probable that the availability of support would greatly increase those numbers (European Bureau for Conscientious Objection, 2022 b). Once war fatigue has set in, the state that might be best placed to play the role of **third party** and help negotiate a peace deal is India, which has abstained from the anti-Russia UN resolutions and is regarded as an important ally by both the US in countering Chinese influence and by Russia (Pardo de Santayana, 2022). Additional factors in favour of India as mediator is the good personal relationship between Putin and the Indian PM Narendra Modi and the additional opportunities for dialogue provided by India's current hosting of G20. Other possible mediators are the UN, although the recent anti-Russia resolutions may have dented this possibility and the OSCE, which is judged by an academic of the Moscow State Institute of International Relations to have been helpful in averting previous crises although ultimately unable to prevent the war (Zagorski, 2022).

5.2 *Peacemaking*

Regulating incompatibility is the only realistic option in the absence of a change of regime in Moscow (which seems unlikely given the complete annihilation of genuine opposition by the Kremlin) and given the strength of feeling in Ukraine following the devastation of the country.

This can possibly be achieved by **horse trading**: Ukraine would pledge permanent neutrality in relation to NATO and would amend its legislation to fully recognize the rights of Russian speakers. In exchange, Russia would fully withdraw from the occupied territories as it could claim to have annexed these for the protection of the Russian minority, now ensured by the updated legislation and perhaps by an independent monitoring mission. The issue of Crimea, which does have a Russian majority, could be solved by **leaving control** to the UN, as suggested by D. Moses (2022), making it a demilitarized international territory, in which the rights of Ukrainians, Russians and Crimean Tatars would be fully respected. In addition, Ukraine could be offered an extensive support package for the reconstruction of the country while Russia could be offered some preferential trade terms with the EU and the US and should be invited to fully participate in EU cultural and scientific projects, in particularly high-profile, flagship initiatives. This would represent a **compromise solution** which could be used by both parties to justify the high costs of the war to their domestic audiences.

5.3 Peace-building

Of the four key elements necessary to **reconciliation** according to Kriesberg and Dayton, namely ‘truth, justice, regard and security’ (2017: 308), the last could be provided in the immediate future via separate treaties that guarantee the permanent neutrality of Ukraine on the one hand and provide guarantees of support to Ukraine in the event of a future invasion, based on the lines of the Kyiv Security Compact. The NATO-Russia Council should be re-established and the INF treaty should be reimplemented by Russia and the US and followed by other confidence-building measures. Turning to the aspect of regional stability, UN and EU-led cultural and political projects and initiatives could work to re-establish ‘regard’, i.e. relationships between the two main parties. This should not be unfeasible in light of the fact that the combatants on both sides were acting upon orders they could not legally disregard. This freedom from personal responsibility, which classical theorists of war as well as the political reality of most countries grant to combatants (Walzer, 2022), does not of course extend to any war crimes and the investigation of such crimes, i.e. the pursuit of truth and implementation of justice, is indeed necessary to achieve full reconciliation. It is, however, very hard to imagine that such investigations may be conducted and thus full reconciliation achieved before the Kremlin regime is replaced by a democratic one and organisations like the Nobel-winning Memorial are once again allowed to operate in the country. Such developments are unlikely in the immediate future.

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